

The Gazette of India

19 12 56

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 63] NEW DELHI, MONDAY, DECEMBER 10, 1956

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 10th December, 1956:—

Bill No. XXIV of 1956

A Bill to provide for the constitution of a National Film Board for the purpose of promoting the development of films as a medium of culture, education and healthy entertainment and for the regulation of exhibitions by means of cinematograph

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Cinematograph Act, 1956. Short title,
extent and
commence-
ment.
(2) Chapters I, II, III, IV, and VI extend to the whole of India except the State of Jammu and Kashmir, and Chapter V extends to Union territories only.

(3) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the cinematograph film industry. Declaration
as to expedi-
ency of con-
trol of the
cinemato-
graph film
industry by
the Union.

3. In this Act, unless the context otherwise requires,—

(a) “adult” means a person who has completed eighteen years of age;

(b) “Board” means the National Film Board constituted under section 4;

Definitions.

(c) "Chairman" means the Chairman of the Board appointed under sub-section (1) of section 6;

(d) "Chief Examiner" means the Chief Examiner appointed under sub-section (2) of section 18;

(e) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(f) "district magistrate", in relation to a presidency town, means the Commissioner of Police;

(g) "film" means a cinematograph film;

(h) "member" means a member of the Board;

(i) "place" includes a house, building, tent and any description of transport, whether by land, water or air;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "Principal" means the Principal of the Film Institute appointed under sub-section (1) of section 35; and

(l) "regional examiner" means any regional examiner of films appointed under sub-section (2) of section 18, and includes any additional or assistant regional examiner of films.

✓CHAPTER II

NATIONAL FILM BOARD

National
Film Board.

4. The Central Government may, by notification in the Official Gazette, constitute a Board to be called the National Film Board for the purpose of promoting the development of films as a medium of culture, education and healthy entertainment and of performing such other functions as may be assigned to it by or under this Act.

Film Certi-
fication
Bureau, Film
Production
Bureau and
Film Insti-
tute.

5. For the purpose of assisting the Board in the discharge of its functions under this Act, the Central Government may establish—

(a) a Film Certification Bureau under the charge of the Chief Examiner of Films;

(b) a Film Production Bureau under the charge of the Chief Examiner as its Director; and

(c) a Film Institute under the charge of the Principal of the Institute.

Composition
of the Board.

6. (1) The Board shall have a Chairman who shall be appointed by the Central Government.

(2) The Board shall consist of the following members, namely:—

(a) the Chairman appointed under sub-section (1);

(b) the Chief Examiner of Films and the Principal of the Film Institute, *ex officio*;

(c) three members from among persons connected with the making of feature films as producers, directors, writers or technicians;

(d) one member from among persons connected with the production of children's films;

(e) one member from among persons connected with the production of other kinds of films, including documentary films; and

(f) five members from among persons having special knowledge or practical experience in respect of education, science, art, culture or social service.

(3) The members referred to in clauses (c) to (f) shall be appointed by the Central Government, and every such appointment shall take effect as soon as it is notified by that Government in the Official Gazette.

7. (1) The Chairman shall receive such salary and allowances as may be determined by the Central Government and shall hold office during the pleasure of that Government.

Terms of office and conditions of service of members.

(2) All members other than the Chairman and *ex officio* members shall hold office for a period of three years.

(3) A member of the Board may resign his office by giving notice in writing to the Central Government and on such resignation being accepted by that Government, shall be deemed to have vacated his office.

(4) A casual vacancy created by the resignation of a member under sub-section (3) or for any other reason shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(5) A retiring member shall be eligible for re-appointment.

(6) All members other than the Chairman and the *ex officio* members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.

8. (1) The Central Government may, by order, remove from office any member of the Board—

Removal of members from office.

(a) who, without excuse sufficient in the opinion of the Central Government, is absent without the leave of the Board from more than three consecutive meetings of the Board; or

(b) whose removal has, in the opinion of the Central Government, become necessary by reason of his misbehaviour or incapacity.

(2) No member shall be so removed from his office unless he has been given an opportunity for showing cause against such removal.

Meetings of Board.

9. The Board shall meet at such times and places and shall observe such procedure in regard to the transaction of its business as may be provided by regulations made by the Board.

Vacancies amongst members or defect in constitution not to invalidate acts and proceedings of Board.

10. No act or proceeding of the Board shall be deemed to be invalid by reason merely of a vacancy in, or any defect in the constitution of, the Board.

Object and functions of the Board.

11. (1) The object of the Board shall be to promote the development of films as a medium of culture, education and healthy entertainment.

(2) The Board may, in furtherance of its object, perform the following functions, namely:—

(a) to lay down the policy for, and co-ordinate and supervise the activities of, the Film Certification Bureau, the Film Production Bureau and the Film Institute;

(b) to establish and maintain a national film library;

(c) to recognise such institutions and associations connected with films as it thinks proper and to recommend to the Central Government grants to them;

(d) to co-ordinate the activities of film societies;

(e) to determine the principles for classifying films in different categories, such as predominantly educational or cultural films or as films specially suitable for children;

(f) to recommend films as suitable for export;

(g) to recommend films as suitable for exhibition at international or other film festivals;

(h) to recommend films for being considered for selection for purposes of State awards;

(i) to collect and maintain statistical and other information relating to the film industry;

(j) to do such other acts as may be incidental or conducive to the discharge of its functions.

12. For the purpose of performing its functions under this Act, the Board may constitute from among its members such committees for general or special purposes as it may deem necessary and every committee so constituted shall perform such functions as are assigned to it by the Board. Committees of Board.

13. The Board may, from time to time, appoint one or more advisory committees for the purpose of assisting the Board in the efficient discharge of its functions. Advisory Committees.

14. The Board shall prepare once every year, in such form and in such time as may be prescribed, an annual report giving an account of its activities during the previous year, including the work done by the Film Certification Bureau, the Film Production Bureau and the Film Institute and an account of the working of the film industry together with a summary of the information relating thereto collected by the Board during that year, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament. Annual report.

15. For the purpose of enabling the Board to perform its functions under this Act, the Central Government may appoint such officers as it may think fit. Appointment of officers.

16. All orders and decisions of the Board and other instruments issued by it shall be authenticated in such manner as may be provided by regulations made in this behalf by the Board. Authentication of orders and other instruments of Board.

17. The Board may, from time to time, by resolution, delegate to the Film Certification Bureau, the Film Production Bureau or the Film Institute, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and functions as it may think fit. Delegation of powers by Board.

CHAPTER III

CERTIFICATION OF FILMS

18. (1) It shall be the general duty of the Film Certification Bureau to examine films and to certify such of them as it considers suitable for public exhibition; and no film shall be exhibited except in accordance with the certificate granted by the said Bureau. Film Certification Bureau.

(2) For the purpose of enabling the Bureau to discharge its functions under this Chapter, the Central Government may appoint a Chief Examiner of Films who shall be in charge thereof and such regional examiners and other officers as it may deem necessary and all such regional examiners and other officers shall perform their functions under the general control of the Chief Examiner.

(3) The Central Government may, in consultation with the Board, establish centres at such places as it considers fit for the efficient performance of the functions of the Bureau.

(4) At each such centre, there shall be one or more regional examiners and an advisory panel consisting of such number of members as the Central Government may, in consultation with the Board, think fit to appoint from among persons who, in the opinion of the Central Government, are capable of judging the effect of films on the public.

(5) The members of the advisory panel shall receive such fees or allowances for attending the meetings of any examining committee or revising committee as may be prescribed.

**Examination
of films.**

19. (1) Any person desiring to obtain a certificate in respect of a film shall, in the prescribed manner, make an application to the Film Certification Bureau; and on receipt of such application, the film shall be examined by an examining committee and, if the rules made in this behalf so provide, also by a revising committee.

(2) Subject to any rules that may be made under this Act, each such Committee shall consist of a regional examiner and such members of the advisory panel as the Chief Examiner may think fit to nominate to that committee.

(3) The Chief Examiner shall be an *ex officio* member of every revising committee and shall preside at the meetings of such committees:

Provided that if, for any reason, he is unable to attend any meeting of such Committee, any member thereof authorised by him in this behalf shall preside at that meeting.

(4) The Chief Examiner may attend any meeting of the examining committee and in such a case, he shall be deemed to be a member thereof and shall preside at that meeting.

(5) The examining committee and the revising committee, if any, shall examine the film in the prescribed manner and after such examination, the Chief Examiner shall, subject to any rules that may be made for giving effect to the recommendations of the said committees, make such order in relation to the film as he thinks fit.

(6) No order prejudicially affecting any person applying for a certificate shall be made without giving him a reasonable opportunity of representing his views.

20. In examining any film under this Chapter, the authority making the examination shall generally keep in view the effect the film is likely to have on the public and, in particular, shall consider whether the film or any part thereof is likely to—

Principles
for guidance
in ex amina-
tion of films.

- (a) impair the moral standards of the public;
- (b) depreciate social values or offend against the standards of public taste;
- (c) affect friendly relations of India with foreign nations;
- (d) affect public order or the security of the State; or
- (e) involve defamation or contempt of court, or cause incitement to an offence.

21. (1) If, after examination of a film in the manner provided in section 19, the Film Certification Bureau considers that the film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition, it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of the film a 'U' certificate in the former case, and an 'A' certificate in the latter case, and shall, in either case, cause the film to be so marked in the prescribed manner, and such certificate shall, save as hereinafter provided, be valid throughout India for a period of ten years.

Certification
of films.

(2) If after such examination, the Film Certification Bureau considers—

- (a) that the film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults; or
- (b) that the film would not be suitable for public exhibition, unless certain parts thereof are excised or modified to the satisfaction of the Bureau;

it shall, in either case, inform the person applying for the certificate of its decision.

(3) If the person applying for the certificate carries out excisions or modifications in the film as required under clause (b) of sub-section (2) to the satisfaction of the Film Certification Bureau, a certificate shall be granted in respect of that film under sub-section (1).

(4) Notwithstanding anything contained in sub-section (1), if the Film Certification Bureau considers that the film is suitable for public exhibition restricted to specified classes of persons, it may grant to the person applying for the certificate in respect of the film a 'S' certificate, subject to such conditions, if any, as it may impose and cause the film to be so marked in the prescribed manner.

(5) A certificate granted under this section may be renewed or amended in such manner as may be prescribed.

Appeal.

22. (1) Any person applying for a certificate who is aggrieved by the decision of the Film Certification Bureau under section 21 may, with the leave of the Chairman of the Board, prefer an appeal to the Board.

(2) No application for the grant of leave to appeal to the Board shall be entertained by the Chairman thereof, unless such application is made within thirty days from the date of the decision of the Film Certification Bureau and the Chairman is of opinion that the decision of the Film Certification Bureau is manifestly wrong or unreasonable or that the appeal involves a substantial question of policy.

(3) On receipt of an appeal under sub-section (1), the Board shall, after such inquiry into the matter as it may consider necessary, and after giving the appellant a reasonable opportunity of representing his views, make such order in relation thereto as it thinks fit.

(4) The powers and functions of the Board under this section may be exercised and discharged by a committee thereof consisting of the Chairman, the Chief Examiner and such three other members of the Board as the Chairman may think fit to appoint for the purpose.

**Revisional
powers of
Central
Government.**

23. (1) Notwithstanding anything contained in this Chapter, the Central Government may, at any stage, call for the record of any proceeding in relation to a film which is pending before, or has been decided by, any authority under this Chapter and after such inquiry into the matter as it may consider necessary, make such order in relation thereto as it thinks fit:

Provided that no such order shall be made without giving the person applying for the certificate or to whom the certificate was granted, as the case may be, a reasonable opportunity of representing his views.

(2) Without prejudice to the powers conferred on it under sub-section (1), the Central Government may, by notification in the Official Gazette, direct that—

(a) a film which has been granted a certificate shall be deemed to be an uncertified film in the whole or any part of India; or

(b) a film which has been granted a 'U' certificate shall be deemed to be a film in respect of which an 'A' certificate has been granted.

(3) Notwithstanding anything contained in sub-section (1), where the Central Government is of opinion that circumstances exist which render it necessary to take immediate action, the Central Government may direct that the exhibition of any film be suspended for such period not exceeding two months as may be specified in the direction and during the period of suspension, the film shall be deemed to be an uncertified film.

24. Any person who sends any certified film to any distributor or exhibitor shall, in such manner as may be prescribed, notify to the distributor or exhibitor, as the case may be, the title and length of the film, the number and the nature of the certificate granted in respect thereof and conditions, if any, subject to which it has been so granted and any other particulars respecting the film which may be prescribed.

Information and documents to be given to distributors and exhibitors with respect to certified film.

25. No producer, distributor, exhibitor or other person shall display or cause to be displayed any illustrated poster produced or imported for general distribution in connection with the exhibition of a film, unless such poster has been approved in the prescribed manner by the Film Certification Bureau; and in examining such poster, the Board shall have due regard to the same principles as it would have in examining films under section 20.

Restrictions on the display of certain posters.

26. No person shall exhibit or reproduce, in any manner whatever, any part of a film which has been excised at the time of certification, whether such excised part consists of pictures, dialogues, songs or commentary.

Bar of exhibition or reproduction of excised parts of film.

27. (1) If any person—

Penalties.

(a) exhibits or permits to be exhibited in any place—

(i) any film which has not been certified by the Film Certification Bureau or which, when exhibited, does not display the prescribed mark of the Bureau or which has been altered or tampered with in any way since the mark was affixed thereto, or

(ii) any film which has been certified as suitable for public exhibition restricted to adults, to any person who is not apparently an adult, or

(iii) any film which has been certified as suitable for exhibition restricted to any specified class of persons, to any person who does not belong to that class, or

(iv) any film in any form other than that in which it was certified, or

(v) any film in contravention of any of the conditions subject to which the certificate was granted, or

(b) without lawful authority (the burden of proving which shall be on him) alters or tampers with any film in any way after it has been certified, or

(c) fails to comply with or contravenes the provisions of section 24, section 25 or section 26 or any order made by the Central Government, the Board or the Film Certification Bureau in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder,

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both; and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for each day during which the offence continues.

(2) If any person is convicted of an offence punishable under this section committed by him in respect of any film, the court passing the order may further direct that the film shall be forfeited to the Government.

(3) The exhibition of a film, in respect of which an 'A' certificate has been granted, to children below the age of three years accompanying their parents or guardians shall not be deemed to be an offence within the meaning of this section.

Power of
Chief Exa-
miner to
cancel cer-
tificates.

28. Where a film is exhibited in a form other than that in which it was certified, the Chief Examiner may, without prejudice to any other penalty which may be imposed under this Chapter, cancel the certificate granted in respect thereof and thereupon, the film shall be deemed to be an uncertified film.

Power to
exempt.

29. The Central Government may, by order in writing, exempt, subject to such conditions and restrictions, if any, as it may impose, any film or class of films from any of the provisions of this Act or of any rules made thereunder.

Delegation
of powers by
Chief Exa-
miner.

30. The Chief Examiner may, with the previous approval of the Central Government, by general or special order, direct that any power, authority or jurisdiction exercisable by him under this Act, shall in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such regional examiner or other officer as may be specified in the order.

Application
of Chapter
to films
exhibited
or under
authority of
Govern-
ment.

31. The provisions of this Chapter shall apply to the exhibition of any film by or under the authority of Government.

CHAPTER IV

FILM PRODUCTION BUREAU AND FILM INSTITUTE

32. (1) The Chief Examiner shall be the Director of the Film Production Bureau. Film Production Bureau.

(2) For the purpose of enabling the Bureau to discharge its functions under this Chapter, the Central Government may appoint such other officers as it may deem necessary and all such officers shall perform their functions under the general control of the Director.

33. (1) It shall be the duty of the Film Production Bureau— Functions of Film Production Bureau.

(a) to scrutinise and give advice in respect of any script or visual materials connected therewith which may be submitted to it by any producer; and

(b) generally to assist any producer who seeks advice in matters connected with the production of films.

(2) The Film Production Bureau shall discharge its functions under this section in such manner as may be prescribed.

34. If any person engaged in connection with the functions of the Film Production Bureau under this Act wilfully discloses any information relating to any matter in respect of which the advice or guidance of the Bureau has been sought by a producer otherwise than in the execution of his duties under this Act, or for the purposes of a prosecution under this Act or under the Indian Penal Code, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. Penalty for unauthorised disclosure of information.

45 of 1862.

35. (1) For the purpose of enabling the Film Institute to discharge its functions under this Chapter, the Central Government may appoint a Principal of the Film Institute and such other officers and teaching staff to assist him as the Central Government may deem necessary, and all such officers and staff shall perform their functions under the general control of the Principal. Film Institute.

(2) It shall be the duty of the Film Institute to provide technical training in the production of films and to conduct research into such aspects of film production as appear to it to be of general interest to the film industry, and in the discharge of its duties, it may—

(a) impart training in cinematography, sound recording, processing, art direction, editing, animation, script writing, make-up, costumes and audience research;

(b) arrange practical training in film studios and with film production units;

(c) co-ordinate facilities of training with such other institutions and associations as are recognised by the Board;

(d) grant diplomas to successful trainees who have undergone such course of training as may be provided by regulations made by the Board;

(e) maintain a centre or centres for the loan of specialised articles of equipment to film producers;

(f) generally make available its advice and guidance to producers and others in technical matters connected with film production in such manner as may be prescribed.

CHAPTER V

REGULATION OF EXHIBITIONS BY MEANS OF CINEMATOGRAPHS

Cinematograph exhibition to be licensed.

36. Save as otherwise provided in this Chapter, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Chapter or otherwise than in compliance with any conditions and restrictions imposed by such licence.

Licensing authority.

37. The authority having power to grant licences under this Chapter (hereinafter referred to as the licensing authority) shall be the district magistrate:

Provided that the State Government may, by notification in the Official Gazette, constitute, for the whole or any part of the Union territory, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Chapter.

Restrictions on powers of licensing authority.

38. (1) The licensing authority shall not grant a licence under this Chapter, unless it is satisfied that—

(a) the rules made under this Chapter have been substantially complied with, and

(b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licences under this Chapter to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may impose.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Chapter may, within such time as may be prescribed, appeal to the State Government

or to such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

39. (1) The administrator in respect of the whole of the Union territory or any part thereof and the district magistrate in respect of the district within his jurisdiction may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension, the film shall be deemed to be an uncertified film in the Union territory or part or district, as the case may be.

Power of administrator or local authority to suspend exhibition of films in certain cases.

(2) Where an order under sub-section (1) has been issued by the administrator or a district magistrate, as the case may be, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Central Government, and the Central Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

40. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Chapter or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Chapter, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Penalties.

41. Where the holder of a licence has been convicted of an offence under section 27 or section 40, the licence may be revoked by the licensing authority.

Power to revoke licence.

Power to
make rules.

42. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the terms and conditions and restrictions, if any, subject to which licences may be granted under this Chapter;

(b) the regulation of cinematograph exhibitions for securing the public safety;

(c) the time within which and the conditions subject to which an appeal under sub-section (3) of section 38 may be preferred;

(d) any other matter which has to be, or may be, prescribed.

Power to
exempt.

43. The Central Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Chapter or of any rules made thereunder.

CHAPTER VI

MISCELLANEOUS

Directions
by Central
Govern-
ment.

44. For the purpose of this Act, the Central Government may, from time to time, give to the Board, after consultation with it, such general or special directions as the Central Government thinks fit, and the Board shall comply with any such directions.

Members of
Board and
advisory
panel to be
public
servants.

45. All members of the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Bar of legal
proceedings.

46. No suit or other legal proceeding shall lie against the Central Government, or any officer thereof or any member of the Board or of any advisory panel in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Removal of
disqualifica-
tion for
membership
of Parliament
in certain
cases.

47. It is hereby declared that the office of a member of the Board (other than that of the Chairman and *ex officio* members) and of an advisory panel shall not disqualify its holder for being chosen as, or for being a member of, either House of Parliament.

Appointment
of acting
Chairman
and Chief
Examiner.

48. When the Chairman or the Chief Examiner is, by reason of absence or otherwise, unable to perform the duties of his office in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to perform his duties during his absence.

49. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying into effect the provisions of Chapters II, III and IV. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the allowances or fees to be paid to the members for attending the meetings of the Board;

(b) the term of office of members of advisory committees of the Board and other conditions of their service;

(c) the constitution of advisory panels and term of office and other conditions of service of members thereof;

(d) the constitution of examining and revising committees, the circumstances in which a revising committee is to be constituted, the procedure to be followed by such committees in examining films and the circumstances under which recommendations of such committees shall be given effect to and all matters ancillary thereto;

(e) the procedure to be followed by the Film Certification Bureau in certifying films, the manner in which the film is to be marked, the procedure to be followed in renewing or amending a certificate in respect of a film and the fees that may be levied by the Film Certification Bureau;

(f) the conditions (including conditions relating to the length of films in general or any class of films, in particular) subject to which any certificate may be granted, or the circumstances in which any certificate may be refused;

(g) the manner in which an appeal may be preferred to the Board from any decision of the Film Certification Bureau and the manner of disposal of such appeal;

(h) the manner in which the Central Government may make an inquiry under this Act;

(i) the manner in which a person delivering the certificate to a distributor or exhibitor may notify the particulars referred to in section 24;

(j) the manner in which any illustrated poster produced or imported for general distribution in connection with the exhibition of a film may be submitted to the Film Certification Bureau for its approval, and the manner in which such poster may be approved;

(k) the manner in which the Film Production Bureau and the Film Institute may perform their functions under this Act;

(l) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before both Houses of Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Power to
make regu-
lations.

50. The Board may make regulations not inconsistent with this Act and the rules made thereunder for—

(a) regulating the meetings of the Board and the procedure for transacting its business;

(b) regulating the manner in which committees of the Board and advisory committees thereof may be constituted and the manner in which they may perform their functions;

(c) regulating the manner in which orders and decisions of the Board and other instruments issued by it may be authenticated;

(d) delegating the powers and functions of the Board to the Film Certification Bureau, the Film Production Bureau or the Film Institute;

(e) specifying the course of training for the grant of diplomas by the Film Institute.

Repeal.

51. (1) The Cinematograph Act, 1952, is hereby repealed.

37 of 1952.

(2) Notwithstanding such repeal, anything done, or any action taken by the Board of Film Censors constituted under the Cinematograph Act, 1952, in the exercise of any power conferred on it by or under the said Act, including any certificate granted by the said Board in respect of a film shall be deemed to have been done or taken by the Film Certification Bureau in the exercise of the powers conferred on it by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken, and for the removal of doubts it is hereby declared that any certificate granted by the Board under the said Act shall be valid for a period of ten years from the date on which it was issued.

37 of 1952.

(3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in section 6 of the General Clauses Act, 1897.

10 of 1897.

52. If, immediately before the commencement of this Act,—

Special
provision
for pending
proceedings
etc.

37 of 1952.

(a) there are any proceedings pending before the Board of Film Censors constituted under the Cinematograph Act, 1952, the proceedings shall, on such commencement, stand transferred to, and be disposed of by, the Film Certification Bureau as if they were proceedings pending before it under this Act; and

37 of 1952.

(b) there are any appeals pending before the Central Government under the provisions of the Cinematograph Act, 1952, the appeals shall, on such commencement, stand transferred to, and be disposed of by, the National Film Board as if they were appeals pending before it under this Act.

STATEMENT OF OBJECTS AND REASONS

The Cinematograph Act, 1952 (XXXVII of 1952) embodies in Part II the scheme of centralisation of certification of films for public exhibition. The effect of the procedure for certification under the Act is primarily of a negative character in that the examination is made mainly for the purpose of eliminating objectionable features. There has been a feeling that even under this procedure there is greater scope for improvement of the moral and cultural standards of films. It has moreover been recognised that positive assistance, guidance and encouragement should be given in the production of films of better aesthetic and cultural standards. The Film Enquiry Committee recommended that a Production Code Administration should be set up to give advice to producers on scripts and other aspects of production and a Film Institute should be established for training and research. The Bill seeks to implement this recommendation. The Bill also revises the scheme of certification in the light of experience gained during the last five years. The revised scheme is made adequate for reflecting the established moral and cultural standards, maintaining at the same time the principles of natural justice.

2. Accordingly, a new organisational set up has been formulated. A National Film Board will be established with three constituent units, namely, the Film Certification Bureau, the Film Production Bureau and the Film Institute. The object of the National Film Board, which will be an apex body, will be to promote the development of films as a medium of culture, education and healthy entertainment. The composition of the National Film Board is so devised as to include adequate representation of enlightened public opinion and also the various aspects of the film industry. Among its important functions will be the co-ordination and supervision of the activities of the constituent units and the guidance of their policy. The Film Certification Bureau will take over the work of the present censorship organisation. The Film Production Bureau will be a new unit and is intended for giving, on a voluntary basis, advice and assistance in matters connected with the production of films. A close co-ordination is to be maintained between the Film Certification Bureau and the Film Production Bureau, thus ensuring that positive guidance is made more practical and useful. The Film Institute will not only impart technical training in various aspects of film production but also conduct research, thereby helping in the improvement of technical and aesthetic standards.

3. Following the practice in many other countries, power has been taken to scrutinise, as part of the examination of films, posters which are intended for public exhibition through general distribution.

4. Chapters II, III and IV replace the present Part II of the Cinematograph Act, 1952 and Chapter V re-enacts the present Part III (which deals with the regulation of exhibitions by means of cinematograph) for its application to Union territories.

B. V. KESKAR.

NEW DELHI;

The 7th December, 1956.

FINANCIAL MEMORANDUM

The Bill contemplates the constitution of a National Film Board with three constituent units, namely, the Film Certification Bureau, the Film Production Bureau and the Film Institute. The Film Certification Bureau will replace the present censorship organisation. The Film Production Bureau will be a new unit to give advice to producers on scripts and assist them in securing guidance on other aspects of film making, with a view to improving the standard of productions. There will be some special staff in the Bureau for this work. The Film Institute will be a training and research institution with the necessary staff and a building of its own including technical facilities and suitable equipment, use being also made of the facilities and equipment available in the Films Division.

2. The National Film Board will have a Chairman who will be a salaried officer of the Central Government and the members of the Board will receive only fees or allowances for attending the meetings of the Board. There will also be some staff attached to the Board. The Board will replace the existing Central Board of Film Censors set up under the Cinematograph Act, 1952. The additional expenditure in connection with the National Film Board will be roughly of the order of ninety thousand rupees. The expenditure on the Film Certification Bureau is expected to be approximately the same as the present expenditure on the censorship machinery which has an income by way of censorship fees. The annual expenditure involved in the Film Production Bureau is estimated at Rs. 1·1 lakhs. In regard to the Film Institute, the capital requirements of which are estimated at Rs. 30 lakhs spread over three to four years, it is proposed to make an annual allocation of Rs. 12 lakhs, to meet—

- (a) such requirements,
- (b) the recurring expenditure on staff, stores and production of films as a part of the training and research, and
- (c) the non-recurring expenditure on furniture, vehicles, etc.

It is proposed that engagement of staff should be deferred till the fourth year, except for such staff as may be required in connection with the construction of the building or the purchase of equipment.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 42 and 49 of the Bill empower the Central Government to make rules to give effect to the provisions of the Bill when enacted. Clause 49 deals with the general powers of the Central Government to make rules in relation to the National Film Board, the Film Certification Bureau, the Film Production Bureau and the Film Institute. The matters in respect of which such rules may be made have been specified therein. They relate to the allowances or fees to be paid to the members of the Board and the term of office and conditions of service of members of advisory committees of the Board and of advisory panels. They also relate to the procedure to be followed by the Film Certification Bureau in examining and certifying films and the procedure for filing an appeal against the decision of the Bureau. Rules may also be made relating to the manner in which illustrated posters in connection with the exhibition of a film may be approved and the manner in which the Film Production Bureau and the Film Institute may perform their functions. Clause 42 of the Bill, on the other hand, is restricted in scope and deals with the powers of Central Government to make rules in relation to regulation of exhibitions by means of cinematograph in Union territories. They relate to the terms and conditions and restrictions subject to which licences may be granted, the regulation of cinematograph exhibitions for securing public safety and the procedure relating to appeal against an order of a licensing authority. All these matters are of a procedural and routine character.

2. Under clause 50 of the Bill, the Board has been empowered to make regulations for regulating its own procedure.

3. The proposed delegation of legislative power is of a normal character.

S. N. MUKERJEE,
Secretary.

